

Florida Keys National Marine Sanctuary Advisory Council

**August 20, 2002
Marathon Garden Club**

FINAL MINUTES

Members Present

Wayne Blevins	Karen Lee
Fran Decker	Duncan Mathewson
Todd Firm	Martin Moe
Richard Grathwohl	Ken Nedimyer
Debra Harrison	George Neugent
David Hawtof	Bruce Popham
Don Kincaid	Anita Schwessinger
Nancy Klingener	Deborah Shaw

Alternates Present

Greg DiDomenico

Call to Order

Chair Neugent called the meeting to order at 9:15 a.m.

Introductions

Chair Neugent and Superintendent Causey welcomed new Council member Bruce Popham as the Boating Representative. Major Long was recognized in the audience.

Approval of Minutes/Adoption of Agenda

At the request of Deb Shaw the Minutes of the June 18, 2002 were changed on page 3 to read "larger males are causing larger females to carry eggs again". On motion by Deb Shaw, seconded by Ken Nedimyer the amended Minutes were approved. The agenda was adopted as presented.

Recommendations from the SAC to the Monroe County Board of County Commissioners Concerning Authority in Marine Mammals Strandings

– George Neugent

Mr. Neugent explained that he had brought this item to the Council in response to concerns raised by Rick Trout and Russ Rector that the National Marine Fisheries Service (NMFS) is not acting upon recommendations made by the Sanctuary Advisory Council to NMFS at the special January meeting, and therefore they suggested that the Board of County of Commissioners (BOCC) of Monroe County should assume responsibility for marine mammal strandings in the Florida Keys. He invited Mr. Rector briefly to couch these concerns to the SAC.

Mr. Rector expressed dissatisfaction at the timeliness of the response from NMFS, apparent contradictions in the wording of the new draft Letter of Agreement as well as the content of a recent NMFS meeting in Baton Rouge. He offered copies of the agenda of that meeting to Council members. He said that recommendations made by the SAC to NMFS for local control and better communications are being ignored. Conversation followed concerning the transport of a stranded whale from Naples to Key Largo. Todd Firm established that one of the major issues raised in the meeting resulted in the confirmation by NMFS of an Article 4 on the LOA holder of the Upper Keys. Wayne Blevins clarified through questioning Mr. Rector and Mr. Trout that an LOA holder does not enjoy complete autonomy from NMFS in the treatment of a sick or injured mammal, and that no additional sites for the temporary treatment of sick and injured animals have been approved in the Keys since the January 17, 2002 meeting.

Public Comment

Russ Rector described the current system of responding to a stranding in the Keys, with initial reports going from Florida Fish & Wildlife Conservation Commission officers to the South East Regional Stranding Network Headquarters in Miami and then to the appropriate responder in the Keys. He suggested that officers should communicate directly with responders. He said that there are many contradictions in the draft LOA document posted on the NMFS website, referring again to the Baton Rouge meeting which he said did not address stranding protocols. He expressed displeasure at the treatment of stranding network volunteers by NMFS and cited the recent death of a dolphin, transferred from the stranding network to a commercial facility, as a reason to transfer marine mammal strandings from NMFS to either Monroe County or the State of Florida.

Rick Trout acknowledged the role played by the Sanctuary Advisory Council in resolving some of the issues raised at the January meeting. He said that NMFS has power but no knowledge and that local people have knowledge but no power. He noted that the transport of a whale from Naples to Key Largo, set in train by NMFS, was far from being an ideal situation. Mr. Trout cited the July whale mass stranding on Cape Cod as an example of an unsuccessful strategy with an unfortunate outcome that would not have occurred in the Keys. He expressed dissatisfaction with the new draft LOA. Mr. Trout mentioned the treatment facility for marine mammals being established in Key Largo.

Wayne Blevins moved that the Sanctuary Advisory Council draft a letter to the National Marine Fisheries Service requesting the status of two items. One is the status of the ability to treat stranded or injured animals in Monroe County without permission from the National Marine Fisheries Service. The second is the status of National Marine Fisheries Service approval for additional sites for treatment in Monroe County. The motion was seconded by Todd Firm and, after Council deliberation, the language was revised to substitute “marine mammals” for “animals” and insert “by an LOA holder” after “treatment”, the letter to be directed to Mr. Causey. The motion was unanimously approved upon roll call vote. Mr. Blevins then requested that NMFS respond to this letter within 30 days.

Sanctuary Superintendent's Report – Billy Causey (NOAA)

Mr. Causey noted that he is adopting a new format for his report, in the form of a printed Advisory Report distributed to all Council members. He gave an update on the Sustainable Seas Expedition which commenced this year in the Keys, with video of Riley's Hump which is to be superimposed on Doug Weaver's bathymetric data presented at the previous SAC meeting. The expedition is continuing round the Gulf of Mexico, recording reefs as far south as Veracruz. Mr. Causey mentioned the rescue of an entangled eagle ray by Team OCEAN representative Robert Keeley. He reported that another Aquarius mission involving Sanctuary members from around the nation is underway in Key Largo, continuing the fish tagging project undertaken last year to monitor fish movements. He drew attention to a letter from Dan Basta to Governor Bush conveying the status of the Five Year Review and the Management Plan Review that will be presented to the Governor and Cabinet.

Florida Department of Environmental Protection Report – Kacky Andrews (FDEP)

Ms. Andrews mentioned that at Capitol Meeting for a Day in Miami near the end of June, she was officially designated by the Governor and Cabinet as their representative on Sanctuary issues. She said that they also delegated to Environmental Protection some additional statutory authority to facilitate a more rapid response to groundings and spend money on damages to corals and seagrasses. Ms. Andrews stated that she, Fritz Wettstein and Billy Causey are to present the Five Year Plan to the Governor and Cabinet. She reported that Gus Rios facilitated an interagency review of the City of Key West's Stormwater Management Plan and is preparing final recommendations to the City from the agencies.

Florida Fish & Wildlife Conservation Commission Report – John Hunt (FMRI)

Mr. Hunt distributed the agenda for the next Commission meeting and highlighted several items, specifically regulation of the land crab harvest, the ballyhoo issue and the development of a fishery management plan with Biscayne National Park. He reported that there is going to be a workshop in St. Petersburg in late September on trap retrieval and shoreline debris issues.

Greg DiDomenico asked if the Commission will address the recreational lobster fishery in the coming year. Mr. Hunt responded that there is work going on with the legislature concerning special recreational lobster season licenses and that the Division of Marine Fisheries does not at present consider the use of tags a workable management tool. He noted that the issue is likely to come up in the November meeting, but that no action other than a recommendation for rule-making is likely.

Mr. DiDomenico asked if anything can be done before the next season. Mr. Hunt said that the next legislative session is in the Spring and there is insufficient time from a fishery management perspective to achieve anything before the next season. Mr.

DiDomenico asked if the Commission is likely to consider a lower bag limit. Mr. Hunt said he did not know. Mr. DiDomenico mentioned lack of compliance with existing regulations on the part of recreational fishers. Mr. Hunt discussed how a possible reduction in bag limit might affect allocations issues, and that an unintended consequence of the trap reduction program is that it has not necessarily benefited the trap fishing industry, which is a subject that the Commission will focus on over the next few years.

Mr. Neugent observed that people who exceed the bag limit are unlikely to comply with regulations concerning bag size. He noted that the mini-season is an issue concerning a state resource and that the participation of the Commission in resolving some of the problems associated with the sport dive season is essential.

Mr. Blevins asked what would be necessary to eliminate the mini-season altogether. Mr. Hunt replied that the Commissioners have the regulatory power to do so, as they determine season lengths. Mr. Blevins asked if a county-wide petition is appropriate. Mr. Hunt gave a brief history of the mini-season which was created to separate the opening days of the recreational and the commercial fishery, and gave his personal opinion that reducing fishing effort is a better solution than eliminating mini-season altogether. Mr. Blevins described the damage caused by visitors to coral resources during the two day season, and noted that the problem has long term consequences.

Mr. Firm asked if there is representation from Monroe County on either the state or national panel on artificial reefs. Mr. Hunt said he did not know but will find out who is on the advisory panel.

Mr. Neugent requested an update on the ballyhoo fishery. Mr. DiDomenico said that there is going to be some discussion between the ballyhoo fishermen and the Commission at the September meeting in Duck Key. Mr. Hunt said that his staff is going to present their recommendations at the same meeting.

Dr. Shaw observed that there is a problem of land crab poaching from protected North Key Largo hammocks, with unknown effects on the marine environment, as part of the life cycle is aquatic.

Anita Schwessinger asked if there has been consideration of eliminating SCUBA diving or other diving devices during mini-season. Mr. Hunt said that there has, but citizen opinions are widely divergent on the subject.

Debra Harrison expressed frustration at lack of progress over two decades in reducing the impact of lobster diving activities on resources. She noted that it is the responsibility of the regulatory agencies to oversee the protection of these resources. She referred to the many efforts made through the years to try to reduce the impacts, including the voluntary trap reduction scheme adopted by commercial fishermen, with no comparable attempt for recreational fishers and divers, whose share of the resource is unknown. She said that it is time for this Council to recognize what is happening and the dissatisfaction

among the citizenry, and for the Fish and Wildlife Conservation Commission and other agencies that have jurisdiction to take some action.

Bruce Popham reported that the marine industry is working at state level to get a bill in the legislature that moves upward of \$35 million in tax dollars levied on marine fuels from DOT to the Fish and Wildlife Conservation Commission for enforcement purposes throughout the state. He said that the issue needs to be addressed at both the county and the state level.

David Hawtof said that enforcement is the key issue, and suggested that until there is a system in place that prevents the taking of large numbers of lobsters, closing the recreational lobster fishery is an option to be considered.

Ken Nedimyer stated that the recreational lobster fishery regulations have remained unchanged since the late 1960s, while the number of people taking lobsters has gone off the chart. He said that the destruction of the resource in the recreational taking of lobsters is beyond belief and that both effort reduction and law enforcement are part of the solution, but that something has to happen.

Dr. Shaw agreed with part of Dr. Hawtof's premise, that the mini-season is a system that is broken, and urged that it stop and start over when a workable system is identified.

Mr. Neugent observed that five municipalities in Monroe County, including unincorporated Monroe County, supported resolutions in the past year to address some of the issues related to mini-season. He expressed frustration that despite meetings held by the Commissioners in the Upper, Middle and Lower Keys to gauge residents views on how to address the problem, nothing has come out of them.

Jayson Horadam observed that the Fish and Wildlife Conservation Commission brought in 24 additional law enforcement officers from around the state for the last mini-season, working overtime with some operating as plain clothes officers in unmarked boats. Units checked were in the thousands and citations were in the hundreds. Aircraft surveillance was also used. Discussion followed concerning citations and fines.

Mr. DiDomenico, after Council deliberation, moved that the Sanctuary Manager request the Florida Fish and Wildlife Conservation Commission to put the lobster mini-season on the November meeting agenda.

Mr. Causey suggested putting together a Working Group to consider the consequences of doing away with the mini-season, so that reasonable recommendations can be made to the Commissioners.

Mr. Hunt exhorted the Council to consider the economic consequences to small business owners throughout the Keys when deliberating the subject. He noted that there are more people than the system can handle and that this is where the solution should be.

Mr. Neugent said that elected officials had garnered the support of the hotel industry before appearing before the Commission.

Martin Moe observed that a healthy resource is the foundation of the recreational fishery, the commercial fishery and the county economy. Without it, the rest disappears.

Ms. Harrison said that she would like to see this on the November agenda, with Council members attending and recommended that if the Commission does not take any action, that the Council take it to the Governor and Cabinet.

Mr. DiDomenico withdrew his motion. After Council deliberation, Ms. Harrison restated the motion, seconded by Mr. Kincaid.

Mr. Popham suggested that the Council research and review all of the recommendations made by the Council in the past, and present those to the Commission, rather than start all over again.

Mr. Causey suggested a workshop format to come up with recommendations to make to the Commission and request that the lobster mini-season be put on the agenda in November.

Karen Lee said that the issue needs to be taken to lawmakers in Tallahassee, some of whom are also participants in mini-season, and that there needs to be statewide awareness of the destruction during mini-season.

Mr. Kincaid said that he met the legislator responsible for implementing mini-season in 1975, and that he did it for his own personal reasons.

Dr. Shaw noted that at the public hearings held by the Florida Fish and Wildlife Conservation Commission a lot of suggestions were made. She added that not all owners of small motels are in favor of the mini-season, due to resource destruction. She added the suggestion that in order to avoid conflict with commercial fishermen, the recreational season should be set back a week.

Sanctuary Enforcement Report – Captain Jayson Horadam (FWC)

Captain Horadam introduced two new officers. Officer Steve Hemingway of the National Marine Fisheries Service was recognized as was Officer Liz Rees, operating out of Islamorada. He reported that a new 30 ft Manta patrol boat is in operation and another is on the way.

Capt. Horadam presented awards to Lt. Joe Scarpa, Officer Scott LaRosa and Officer Bill Green. He commended Lt. Scarpa who has been appointed the commander of the Sanctuary cutter Pt. Monroe for his work protecting resources in the Tortugas Ecological Reserve. He commended Officer LaRosa for his all-weather dedication and skill over 15 years in the Sanctuary system. He commended Officer Green for his professional role in developing marine law enforcement over 20 years.

Wellwood Restoration – Harold Hudson (NOAA)

Mr. Hudson gave a history of the Wellwood grounding which took place on August 4, 1984 on Molasses Reef, when the 400 ft vessel impacted the reef and reduced 1200 square meters to rubble. He described the damage which was exacerbated by Hurricane Georges and the efforts by Sanctuary personnel to repair some of the damage by patching holes and creating elevation to the level of surrounding reef. He detailed with a power point presentation and video produced by John Dotten the creation and installation of Reef Replacement Modules which are structures that mimic the natural reef formation. He reported that the organization REEF is monitoring the restored reef areas.

Presentation to the Governor and Cabinet – Fritz Wettstein

Mr. Wettstein gave a power point presentation of the attached summary annual report and five year evaluation for presentation to the Governor and Cabinet. Ms. Andrews commented that it is her intention to raise the profile of the Sanctuary with the State of Florida.

Draft Resolution of Commendation from the SAC to the Governor and Cabinet - Nancy Klingener (SAC)

Ms. Klingener moved the attached Resolution, seconded by Mr. Kincaid. After concerns expressed by Ms. Lee the language was amended to reflect constituent support in Monroe County for the Sanctuary. Upon roll call vote the motion passed unanimously with one abstention.

Socioeconomic Data in Support of Marine Protected Areas – Dr. V.R. Leeworthy (NOAA)

Dr. Leeworthy gave two power point presentations summarized in the attached documents, Socioeconomic Monitoring Program in the Florida Keys National Marine Sanctuary and Socioeconomic Study of Reefs in Southeast Florida. Further information is available from the website <http://marineeconomics@noaa.gov>. Mr. Popham asked if a survey to determine the economic impact of SPAs comparable to the one conducted for commercial fishermen could be undertaken for the marine industry and Dr. Leeworthy replied that it could be with partnerships to cover the cost. Ms. Klingener asked about Dr. Leeworthy's degree of involvement with the development of the socioeconomic module in the Carrying Capacity Study. He said that the contractors showed him some conceptual boxes at one meeting with no data behind those boxes.

Presentation of Certificates of Appreciation to Stanley Switlik Alpha Class of 2001

Mr. Causey and Mr. Neugent presented certificates of appreciation to the attached list of students from Mrs. Beth Pinkus' class for their presentations to the Florida Fish and Wildlife Conservation Commission in Miami and for their presentations to the Governor and Cabinet in Tallahassee in support of the implementation of the Tortugas Ecological Reserve. Mrs. Pinkus and Debra Harrison of the World Wildlife Fund were also honored.

Setting Goals and Priorities for the Coming Year – Council Open Discussion

- facilitated by Billy Causey and June Cradick (NOAA)

The attached list of priorities was developed by Council members.

Items to be Entered into the Record for this Meeting

Richard Grathwohl mentioned a charter boat moratorium in the Gulf of Mexico developed by NMFS to address issues of overfishing published in the Federal Register Vol. 67, No. 125, page 43559 of Friday, June 28, 2002, a copy of which was distributed to Council members.

Mr. Nedimyer said that the first topic of the day was whether the Board of County Commissioners of Monroe County should be involved with marine mammal strandings. He moved that the Sanctuary Advisory Council recommends to the Superintendent of the Florida Keys National Marine Sanctuary that Monroe County stay out of the marine mammal stranding business at this time. The motion was seconded by Mr. Moe. Upon roll call vote the motion passed with one no vote.

Items for the October 25, 2002 Agenda

Mosquito Control Panel

Preliminary Results from Scientific Cruise.

The meeting was adjourned at 4.39 p.m.

Submitted by

Fiona Wilmot